

## §§ 52.327–52.328

The EPA approved this exemption request on July 28, 1995.

[60 FR 40291, Aug. 8, 1995]

### §§ 52.327–52.328 [Reserved]

#### § 52.329 Rules and regulations.

(a) On January 14, 1993, the Governor of Colorado submitted revisions to the State's nonattainment new source review permitting regulations to bring the State's regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State's regulations satisfy the part D new source review permitting requirements for the following nonattainment areas: the Canon City, Lamar, Pagosa Springs, Aspen, Telluride, and Steamboat Springs moderate PM<sub>10</sub> nonattainment areas, the Denver/Metro Boulder, Longmont, Colorado Springs, and Fort Collins moderate carbon monoxide nonattainment areas, the Greeley not classified carbon monoxide nonattainment area, and the Denver transitional ozone nonattainment area.

(b) On January 14, 1993 and on August 25, 1994, the Governor of Colorado submitted revisions to the State's nonattainment new source review permitting regulations to bring the State's regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State's regulations satisfy the part D new source review permitting requirements for the Denver metropolitan moderate PM-10 nonattainment area.

[59 FR 64336, Dec. 14, 1994, as amended at 62 FR 2914, Jan. 21, 1997; 62 FR 68195, Dec. 31, 1997]

#### § 52.330 Control strategy: Total suspended particulates.

(a) *Part D—Conditional Approval:* The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must re-promulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

(1) The Commission will consider and adopt for public hearing any changes or

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additions to Regulation No. 1 by February 15, 1981.

(2) The proposed regulations will be published in the Colorado Register by March 10, 1981.

(3) Public hearing will be held by May 14, 1981.

(4) Regulations will be approved with an effective date no later than July 1, 1981, and submitted to EPA by the same date.

[46 FR 26302, May 12, 1981]

#### § 52.331 Committal SIP for the Colorado Group II PM<sub>10</sub> areas.

On April 14, 1989, the Governor submitted a Committal SIP for the Colorado Group II PM<sub>10</sub> areas. The SIP commits the State to continue to monitor for PM<sub>10</sub>, report data and to submit a full SIP if a violation of the PM<sub>10</sub> National Ambient Air Quality Standards is detected.

[54 FR 43178, Oct. 23, 1989]

#### § 52.332 Control strategy: Particulate matter.

(a) On April 9, 1992, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Canon City area. The submittal was made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Canon City on November 15, 1991.

(b)(1) On February 24, 1992, and December 9, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Pagosa Springs area. The submittal was made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Pagosa Springs on November 15, 1991.

(2) On August 2, 1996, the Governor of Colorado submitted minor revisions to the Pagosa Springs Element of the Colorado PM-10 SIP.

(c) On May 27, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Lamar area. The submittal was made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Lamar on November 15, 1991.

(d) On December 9, 1993, the Governor of Colorado submitted PM<sub>10</sub> contingency measures for the moderate PM<sub>10</sub> nonattainment areas of Canon City, Lamar, and Pagosa Springs. The submittal was made to satisfy the moderate PM<sub>10</sub> nonattainment area requirements for contingency measures due for Canon City, Lamar, and Pagosa Springs on November 15, 1993.

(e)(1) On January 15, 1992, March 17, 1993, and December 9, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Aspen area. The submittals were made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Aspen on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM-10 contingency measure requirements which were due for Aspen on November 15, 1993.

(2) On March 13, 1995, the Governor of Colorado submitted minor revisions to the Aspen Element of the Colorado PM-10 SIP.

(f) On March 30, 1995, and November 17, 1995, the Governor of Colorado submitted the moderate PM<sub>10</sub> nonattainment area plan for the Denver area. The March 30, 1995 submittal was made to satisfy those moderate PM<sub>10</sub> nonattainment area SIP requirements due for the Denver PM<sub>10</sub> nonattainment area on November 15, 1991. The November 17, 1995 submittal was also made to satisfy the PM<sub>10</sub> contingency measure requirements which were due for Denver on November 15, 1993.

(g) On March 17, 1993, December 9, 1993, and April 22, 1996, the Governor of Colorado submitted the moderate PM<sub>10</sub> nonattainment area plan for Telluride. The submittals were made to satisfy those moderate PM<sub>10</sub> nonattainment area SIP requirements which were due for Telluride on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM<sub>10</sub> contingency measure requirements which were due for Telluride on November 15, 1993.

(h) On September 16, 1997 the Governor of Colorado submitted the moderate PM<sub>10</sub> nonattainment area plan for Steamboat Springs. The submittal was made to satisfy those moderate PM<sub>10</sub> nonattainment area SIP require-

ments which were due for Steamboat Springs on July 20, 1995.

(i) On September 22, 1997, the State of Colorado submitted a maintenance plan for the Canon City PM<sub>10</sub> nonattainment area and requested that the area be redesignated to attainment for the PM<sub>10</sub> National Ambient Air Quality Standards. An April 24, 2000 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, was sent to clarify the requirements of the contingency plan section of the Canon City maintenance plan. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(j) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM<sub>10</sub> nonattainment areas and requested that these areas be redesignated to attainment for the PM<sub>10</sub> National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(k) *Determination*—EPA has determined that the Steamboat Springs PM<sub>10</sub> “moderate” nonattainment area attained the PM<sub>10</sub> national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

(l) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM<sub>10</sub> nonattainment area (“PM-10 Redesignation Request and Maintenance Plan For the Denver Metropolitan Area,” Chapter 4: “Maintenance Plan,” adopted April 19, 2001 by the Colorado Air Quality Control Commission and effective April 19, 2001) and requested that the area be redesignated to attainment for the PM<sub>10</sub> National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

[58 FR 68038, Dec. 23, 1993, as amended at 59 FR 26128, May 19, 1994; 59 FR 29734, June 9, 1994; 59 FR 47095, Sept. 14, 1994; 59 FR 64336, Dec. 14, 1994; 62 FR 18723, Apr. 17, 1997; 62 FR 66008, Dec. 17, 1997; 62 FR 68195, Dec. 31, 1997; 65 FR 34404, May 30, 2000; 66 FR 32562, June 15, 2001; 66 FR 55105, Nov. 1, 2001; 67 FR 58338, Sept. 16, 2002]

## § 52.332

EFFECTIVE DATE NOTE: At 68 FR 26219, May 15, 2003, § 52.332 was amended by adding paragraph (m), effective July 14, 2003. For the convenience of the user the added text follows:

### § 52.332 Control strategy: Particulate matter.

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(m) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM<sub>10</sub> nonattainment area and requested that this area be redesignated to attainment for the PM<sub>10</sub> National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

### §§ 52.333–52.342 [Reserved]

### § 52.343 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met for the following categories of sources for preventing the significant deterioration of air quality:

- (1) Sources locating on Indian lands.
- (2) Sources locating on Indian Reservations.

(3) Sources which constructed prior to September 2, 1986 and which have not otherwise subjected themselves to Colorado's PSD permitting regulations after September 2, 1986, either through application to Colorado for a PSD permit (in the case of those sources which improperly constructed without obtaining a PSD permit) or through application to Colorado for a major modification to the source.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21(a)(2) and (b) through (bb) are hereby incorporated and made a part of the applicable State plan for the State of Colorado for the sources identified in paragraph (a) of this section as not meeting the requirements of sections 160–165 of the Clean Air Act.

(c) The State of Colorado has clarified the generalized language contained in the Colorado Air Quality Control Regulations on the use of “applicable air quality models.” In a letter to Douglas M. Skie, EPA, dated May 19, 1989, Bradley J. Beckham, Director of

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the Air Pollution Control Division stated:

\* \* \* All PSD permits reviewed by the Division will use the revised modeling guideline mentioned above [Guideline on Air Quality Models (Revised), EPA 450/2–78–027R including Supplement A (July 1987)] for determining if the air quality models, data bases, and other requirements are generally approved by EPA. Any future revisions (including appendices or supplement) will be incorporated into the Division's protocol for reviewing modeling for PSD permits.

[51 FR 31126, Sept. 2, 1986, and 52 FR 4622, Feb. 13, 1987, as amended at 52 FR 22638, June 15, 1987; 54 FR 27881, July 3, 1989; 57 FR 27000, June 17, 1992; 59 FR 42506, Aug. 18, 1994; 62 FR 2914, Jan. 21, 1997; 62 FR 13336, Mar. 20, 1997; 68 FR 11322, Mar. 10, 2003]

### § 52.344 Visibility protection.

(a) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(b) The Visibility NSR regulations are approved for industrial source categories regulated by the NSR and PSD regulations which have previously been approved by EPA. However, Colorado's NSR and PSD regulations have been disapproved for certain sources as listed in 40 CFR 52.343(a)(1). The provisions of 40 CFR 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Colorado for these sources.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 53 FR 30431, Aug. 12, 1988; 53 FR 48539, Dec. 1, 1988; 59 FR 51379, Oct. 11, 1994]

### § 52.345 Stack height regulations.

The State of Colorado has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (DC Cir. 1988). In a letter to Mr. Douglas M. Skie, EPA, dated May 9, 1988, Bradley J. Beckham, Director of the Colorado Air Pollution Control Division stated:

\* \* \* We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modified the July 8, 1985, regulations, EPA will notify the state of the rules that must be changed to comply with the EPA's modified